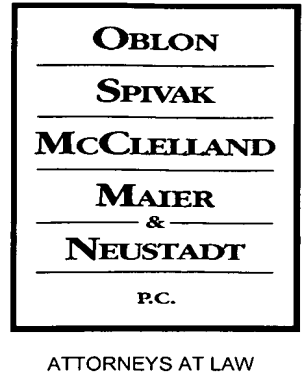


Docket No.: 215504US6PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 09/926,415  
Applicants: Bruno GIBELLO  
Filing Date: June 19, 2002  
For: PRODUCTION METHOD WITH BREAKAGE  
DETECTION FOR A THREAD  
Group Art Unit: 1731  
Examiner: HOFFMANN, J.

SIR:

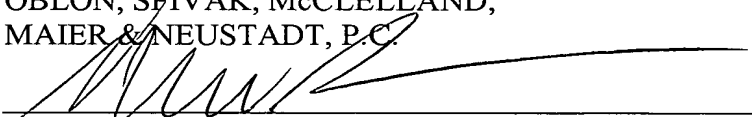
Attached hereto for filing are the following papers:

**ELECTION RESPONSE**

Our check in the amount of **-\$0.00-** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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215504US6PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
BRUNO GIBELLO : EXAMINER: HOFFMANN, J.  
SERIAL NO: 09/926,415 :  
FILED: JUNE 19, 2002 : GROUP ART UNIT: 1731  
FOR: PRODUCTION METHOD WITH :  
BREAKAGE DETECTION FOR A  
THREAD

ELECTION RESPONSE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated January 7, 2004, Applicants elect with traverse Species A1 (from a group of Species A1-A3) and Species B1 (from a group of Species B1-B3). Accordingly, Applicants identify Claims 1-3, 6, 8, 11, and 12 as readable on the provisionally elected species. Applicants respectfully concur with the Examiner's determination that Claims 1 and 2 are generic.

Applicants respectfully traverse the outstanding requirement for several reasons.

MPEP § 806.04(f) requires:

Claims to be restricted to different species must be mutually exclusive.

The outstanding Official Action fails to address in any way whether the pending claims recite mutually exclusive characteristics and this failure provides a basis for traversing the election of species requirement.

Further, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants also respectfully traverse the outstanding requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single species from each of the group of Species A1-A3 and the group of Species B1-B3 be withdrawn, and that a full examination on the merits of Claims 1-18 be conducted.

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